November 30, 2018

The Honorable Chrystia Freeland
Minister of Foreign Affairs
Canada

Dear Minister Freeland:

In connection with the signing on this date of the Protocol Replacing the North American Free Trade Agreement with the Agreement Between the United States of America, the United Mexican States, and Canada (the Protocol), I have the honor to confirm the following understanding reached between the Government of Canada (Canada) and the Government of the United States (United States), taking note of the 1993 Canada-United States-Mexico Declaration on Water Resources and the NAFTA:

The Agreement Between the United States of America, the United Mexican States, and Canada (the Agreement) creates no rights to the natural water resources of a Party to the Agreement.

Unless water, in any form, has entered into commerce and become a good or product, it is not covered by the provisions of the Agreement. Nothing in the Agreement would oblige a Party to exploit its water for commercial use, including its withdrawal, extraction, or diversion for export in bulk.

International rights and obligations respecting natural water resources are addressed in separate treaties and agreements. An example is the *Treaty between the United States and Great Britain Relating to the Boundary Waters and Questions Arising between the United States and Canada*, done at Washington on January 11, 1909.

I have the honor to propose that this letter and your letter in reply confirming that your Government shares this understanding, shall constitute an agreement between the United States and Canada, which shall enter into force on the date of entry into force of the Agreement, and shall constitute an integral part of the Agreement when it enters into force.

Sincerely,

Ambassador Robert E. Lighthizer
United States Trade Representative

November 30, 2018

The Honorable Robert E. Lighthizer
United States Trade Representative
Washington, D.C.
United States of America

Dear Ambassador Lighthizer:

I am pleased to acknowledge your letter, which reads as follows:

> In connection with the signing on this date of the Protocol Replacing the North American Free Trade Agreement with the Agreement Between the United States of America, the United Mexican States, and Canada (the Protocol), I have the honor to confirm the following understanding reached between the Government of Canada (Canada) and the Government of the United States (United States), taking note of the 1993 Canada-United States-Mexico Declaration on Water Resources and the NAFTA:
>
> The Agreement Between the United States of America, the United Mexican States, and Canada (the Agreement) creates no rights to the natural water resources of a Party to the Agreement.
>
> Unless water, in any form, has entered into commerce and become a good or product, it is not covered by the provisions of the Agreement. Nothing in the Agreement would oblige a Party to exploit its water for commercial use, including its withdrawal, extraction, or diversion for export in bulk.
>
> International rights and obligations respecting natural water resources are addressed in separate treaties and agreements. An example is the *Treaty between the United States and Great Britain Relating to the Boundary Waters and Questions Arising between the United States and Canada*, done at Washington on January 11, 1909.
>
> I have the honor to propose that this letter and your letter in reply confirming that your Government shares this understanding, shall constitute an agreement between the United States and Canada, which shall enter into force on the date of entry into force of the Agreement, and shall constitute an integral part of the Agreement when it enters into force.

I have the further honour of confirming that Canada shares this understanding and that your letter and this letter in reply, equally authentic in English and French, constitutes an agreement between Canada and the United States, which shall enter into enter into force on the date of entry into force of the Agreement.

Sincerely,

The Honourable Chrystia Freeland
Minister of Foreign Affairs